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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/924,669

Applicant(s)

DEMPSKI ET AL.

Examiner

SUMAIYA A. CHOWDHURY

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 7, 8, 10, 11, 13-15, 17-20, 37, 38, 40, 42, 43, 45, 46, 48, 49 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7, 8, 10, 11, 13-15, 17-20, 37, 38, 40, 42, 43, 45, 46, 48, 49 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4, 7-8, 10-11, 13-15, 17-20, 37-38, 40, 42-43, 45-46, 48-49, and 52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7, 8, 10, 11, 13-15, 17-20, 37, 40, 42, 45-46, 48-49, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama (CA 2387386) in view of Reynolds (7020888), Blacketter (7159232), Haas, and Zigmond (6698020).

Considering claim 1, Akiyama discloses a method for enhancing a television broadcast program comprising:

receiving a signal, the signal comprising a television broadcast program (TV program) and a television broadcast advertisement for display during a break in the television broadcast program; – p. 20, lines 5-15, col. 19, lines 8-12;

receiving replacement advertising data (replacement information 60, 61 – Fig. 6) from a first memory storage (11 – Fig. 6, p. 21, lines 20-24), the advertising data representing an instruction set for rendering into a first video replacement advertising segment (60, 61 – Fig. 6) by a client processor (52, 54 – Fig. 6); (p. 21, lines 14-20);

selecting the first replacement advertising segment based on a viewer profile (S33 – Fig. 13, p. 21, lines 11-13 & p. 26, lines 18-22)

rendering on the client processor (52, 54 – Fig. 6) the first replacement advertising segment – p. 19, lines 17-27, p. 21, lines 16-20;

blocking the display of the television broadcast advertisement (commercial), such that the television broadcast advertisement is not displayed –
p. 19, lines 9-11, p. 20, lines 12-13;

displaying the first replacement advertising segment instead of the television broadcast advertisement on a television display – p. 19, lines 9-11, p. 20, lines 12-13, p. 28, lines 1-3; and

determining whether the television broadcast program has resumed after end of the television broadcast advertisement, determining whether the first replacement advertising segment has ended (When finishing the readout of the commercial, the selective display process sets the switcher back to the original state, and sends the content from the tuner to the decoder. Hence, when it is determined the commercial is over, the receiver switches to the TV program. – p. 27, lines 1-10, lines 15-25; fig. 12 & 15),

displaying the resumed television broadcast program after completion of the replacement advertising segment – (S37 & S38 – Fig. 13, p. 27, lines 6-10).

However, Akiyama fails to teach:

animated video content and data comprising an executable instruction set for rendering an animated video;

and if the replacement advertising segment has not ended, storing the resumed television broadcast program on a storage device from a beginning point and displaying the resumed broadcast program from the beginning point;

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Reynolds teaches animated video content (col. 12, lines 8-11, also see col. 5, Example Two, - "**Executable code** that instructs consumer device to show an **animated view** of the current hole in play on 102.2A"). Reynolds additionally teaches data comprising an executable instruction set for rendering animated video - (col. 11, line 57 – col. 12, line 2, col. 4, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama's invention to include animated video content and data comprising an executable instruction set for rendering an animated video, as taught by Reynolds, for the advantage of providing content on the television which allows the user to interact with.

However, Akiyama and Reynolds fails to teach:

if the replacement advertising segment has not ended, storing the resumed television broadcast program on a storage device from a beginning point and displaying the resumed broadcast program from the beginning point;

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In analogous art, Blackketter teaches an interactive session during an advertisement (col. 8-9, ll. 67-6), determining whether the interactive session is still in progress when the television program resumes (col. 9, ll. 15-18), and if the session is still active, then recording the program so that when the session is completed the receiver will continue playback (col. 9, ll. 25-30). As such, Blackketter teaches determining whether the television broadcast program has resumed after the end of the television broadcast advertisement, determining whether the replacement advertising segment has ended, and if the segment has not ended, then storing the resumed television broadcast program on a storage device from a beginning point, and displaying the resumed broadcast program from the beginning point.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama and Reynolds' invention to include the above mentioned limitation, as taught by Blackketter, for the well known advantage that the user does not miss out on any programming.

However, Akiyama, Reynolds and Blackketter fail to teach:

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Haas teaches:

displaying an on-screen query of optional modifications to the first replacement advertising segment; receiving a viewer selection of at least one modification to the first replacement advertising segment; rendering the at least one modification to the first replacement advertising segment (a menu is displayed for a user to modify the animated object displayed such that a user could interact with the object displayed on-screen of a television – paragraph [0112]);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds and Blacketter's invention to include the above mentioned limitation, as taught by Haas, for the advantage of allowing the user to interact with the object displayed on-screen of a television.

However, Akiyama, Reynolds, Blacketter, and Haas fail to teach:
developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Zigmond teaches:

developing the viewer profile based on viewer interaction with the an advertising segment (col. 9, lines 20-33), where developing the viewer profile includes:

retaining the viewer selection of the at least one interaction with the first replacement advertising segment as part of the viewer profile (col. 9, lines 20-33); and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment (col. 9, lines 33-55, col. 11, lines 30-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blacketter, and Haas' invention to include the above mentioned limitation, as taught by Zigmond, for the advantage of effectively providing desired advertisements to the user.

Considering claim 4, Akiyama, Reynolds, Blackketter, Haas, and Zigmond disclose the method further comprising creating the viewer profile (individual profile 62 – Fig. 6) based on a set of preferences selected by the viewer (In particular, Akiyama discloses that the hard disk memory (11) includes an individual profile (62) inputted beforehand by the viewer - p. 21, lines 3-4).

Considering claim 7, Akiyama, Reynolds, Blackketter, Haas, and Zigmond disclose the claimed limitations. In particular, Haas discloses a method wherein said modifications comprise color (control buttons 43a-43e – Fig. 3, paragraph [0112]), component in displayed objects (Fig. 28a-28d, paragraph [0133]), viewing perspective, zoom (zoom in control button 41 & zoom out control button 42 – Fig. 3, paragraph [0112]), play-back speed (slider bar 58 – Fig. 3, paragraph [0112]), background audio sound track (paragraph [0103] & [0110]), and special effects (creating a 360 degree panoramic image 212 of the interior – Fig. 28a-28d, paragraph [0133]).

Claim 8 contains the same limitations as claim 7 and is analyzed as previously discussed with that claim.

Considering claim 10, Akiyama discloses that a replacement advertisement segment is selected from among the plurality of replacement advertisement segments by referring to the individual profile. - p. 21, lines 11-13 & p. 26, lines 18-22). Haas

discloses that an audio track is selected from a plurality of audio tracks by the user to be played along with a displayed object - paragraph [0103] & [0110].

Considering claim 11, Akiyama discloses a method for enhancing a television broadcast program comprising:

- receiving programming data representing synchronization data for a plurality of sequential program segments in a television broadcast programs (Fig. 8, p. 22, lines 7-19);

- receiving information related to a plurality of replacement program segments (replacement information 60, 61 – Fig. 6, p. 21, lines 14-20);

- selecting a desired replacement segment based on a viewer profile(S33 – Fig. 13, paragraph p. 21, lines 11-13 & p. 26, lines 18-22)

- synchronizing the replacement segment with one of said plurality of television broadcast segments (Fig. 8, p. 22, lines 7-19);

- receiving the selected replacement segments (60, 61 – Fig. 6, p. 21, lines 14-20);

- determining whether a next sequential program segment in the television broadcast program has commenced after end of the blocked television broadcast segment, determining whether the selected replacement segment has ended (When finishing the readout of the commercial, the selective display process sets the switcher back to the original state, and sends the content from the tuner to the decoder. Hence, when it is determined the commercial is over, the receiver switches to the TV program.

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– p. 27, lines 1-10, lines 15-25; fig. 12 and 15), blocking the display of the television broadcast segment (p. 19, lines 9-11, p. 20, lines 12-13); and

displaying the selected replacement segment on a television display in place of the synchronized television broadcast segment (p. 19, lines 9-11, p. 20, lines 12-13, p. 28, lines 1-3).

However, Akiyama fails to teach:

executable instructions sets for generating data, and rendering on a local processor the data by executing the executable instruction sets.

if the selected replacement segment has not ended, storing the next sequential program segment on a storage device from a beginning point, and displaying the next sequential segment from the beginning point after the selected replacement segment has ended;

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Reynolds additionally teaches data comprising an executable instruction set for rendering animated video is processed by a local processor (210, 212, 214 – Fig. 2) [col. 11, line 57 – col. 12, line 2, col. 4, lines 23-26, col. 12, lines 8-11, also see col. 5, Example Two, - “**Executable code** that instructs consumer device to show an **animated view** of the current hole in play on 102.2A”]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama's invention to include animated video content and data comprising an executable instruction set for rendering an animated video, as taught by Reynolds, for the advantage of providing content on the television which allows the user to interact with.

However, Akiyama and Reynolds fail to teach:

if the selected replacement segment has not ended, storing the next sequential program segment on a storage device from a beginning point, and displaying the next sequential segment from the beginning point after the selected replacement segment has ended;

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In analogous art, Blacketter teaches an interactive session during an advertisement (col. 8-9, ll. 67-6), determining whether the interactive session is still in progress when the television program resumes (col. 9, ll. 15-18), and if the session is still active, then recording the program so that when the session is completed the receiver will continue playback (col. 9, ll. 25-30). As such, Blacketter teaches determining whether the television broadcast program has resumed after the end of the television broadcast advertisement, determining whether the replacement advertising segment has ended, and if the segment has not ended, then storing the resumed television broadcast program on a storage device from a beginning point, and displaying the resumed broadcast program from the beginning point.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama and Reynolds' invention to include the above

mentioned limitation, as taught by Blackketter, for the well known advantage that the user does not miss out on any programming.

However, Akiyama, Reynolds and Blackketter fail to teach:

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Haas teaches:

displaying an on-screen query of optional modifications to the first replacement advertising segment; receiving a viewer selection of at least one modification to the first replacement advertising segment; rendering the at least one modification to the first replacement advertising segment (a menu is displayed for a user to modify the

animated object displayed such that a user could interact with the object displayed on-screen of a television – paragraph [0112]);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds and Blacketter's invention to include the above mentioned limitation, as taught by Haas, for the advantage of allowing the user to interact with the object displayed on-screen of a television.

However, Akiyama, Reynolds, Blacketter, and Haas fail to teach:

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Zigmond teaches:

developing the viewer profile based on viewer interaction with the an advertising segment (col. 9, lines 20-33), where developing the viewer profile includes:

retaining the viewer selection of the at least one interaction with the first replacement advertising segment as part of the viewer profile (col. 9, lines 20-33); and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment (col. 9, lines 33-55, col. 11, lines 30-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, and Haas' invention to include the above mentioned limitation, as taught by Zigmond, for the advantage of effectively providing desired advertisements to the user.

As for claim 13, Akiyama, Reynolds, Blackketter, Haas, and Zigmond teach developing the viewer profile based on past selections of replacement segments (Zigmond: col. 9, lines 30-35).

Considering claim 14, Akiyama, Reynolds, Blackketter, Haas, and Zigmond teach the claimed limitations. In particular, Akiyama discloses the method further comprising developing the viewer profile (individual profile 62 – Fig. 6) based on a set of preferences selected by the viewer (Akiyama discloses that the hard disk memory (11) includes an individual profile (62) inputted beforehand by the viewer - p. 21, lines 3-4).

Considering claim 15, Zigmond discloses augmenting the viewer preferences based on the viewer's past selection of skipping through selected segments – col. 13, lines 14-19

Considering claim 17, Haas discloses a method wherein the data representing an advertising segment is in an instruction set for rendering into an animated video segment by a client processor such that the user could alter or change the images displayed – paragraph [0106].

Considering claim 18, Zigmond discloses displaying an on-screen query of optional replacement segments, and selecting the desired replacement segments in response to the command received by the viewer (col. 9, lines 29-33).

Considering claim 19, Akiyama, Reynolds, Blacketter, Haas, and Zigmond disclose the claimed limitations. In particular, Akiyama discloses a method wherein the programming data (synchronizing data) is received from data encoded with television broadcast program (The TV programs are received though digital waves which are sent to the decoder (56) in the TV receiver – p.20, lines 5-10. The synchronizing data is also received through digital waves by the TV receiver – p.22, lines 7-9. Therefore, the programming data is encoded with the TV broadcast program).

Considering claim 20, Akiyama, Reynolds, Blacketter, Haas, and Zigmond disclose the claimed limitations. In particular, Akiyama discloses a method wherein the data representing the selected replacement segments comprise geometry and texture data for use with the executable instructions sets for rendering an animated video segment

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by a client processor (p. 15, lines 7-12, p. 18, lines 23-26, p. 19, lines 17-18, p. 20, lines 5-8, p. 22, lines 7-8, p. 28, lines 7-9).

Considering claim 37, Akiyama discloses a system for displaying enhanced television broadcast programs comprising:

a multimedia controller (receiver – Fig. 6) having:

a first memory storage (62 – Fig. 6) for storing viewer profiles (p. 21, lines 3-4)

a television broadcast signal tuner receiver (51 - Fig. 6),

a communication port (51 – Fig. 6) in communication with external sources (satellite) of replacement advertising data (p. 12, lines 2-6), a first replacement advertisement being selected based on a viewer profile stored in the first memory storage (S33 – fig. 13, p. 21, lines 11-13, p. 26, lines 18-22),

a second memory storage (hard disk memory 11) for storing a television broadcast signal (p. 17, lines 1-7), the television broadcast signal comprising a television broadcast program and a television broadcast advertisement for display during a break in the television broadcast program (p. 17, lines 9-25),

a third memory storage (61 – Fig. 6) for storing the replacement advertising data (p. 21, lines 14-24), and

a processor (54 – Fig. 6) capable of rendering the first video replacement advertising segment and further capable of blocking the display of the television

broadcast advertisement, such that the television broadcast advertisement is not displayed (p. 19, lines 9-11, p. 20, lines 12-13);

a video display monitor (monitor - Fig. 6) in communication with the multimedia controller, the video display monitor configured to display the television broadcast program and the first video replacement advertising during a break in the television broadcast program (p. 19, lines 9-11, p. 20, lines 12-13); and

a manual input device (13 – Fig. 1) in communication with the multimedia controller – col. 13, lines 20-23;

wherein the multimedia controller is further operative to determine whether the television broadcast program has resumed after the end of the television broadcast advertisement, to determine whether the first replacement advertising segment has ended (When finishing the readout of the commercial, the selective display process sets the switcher back to the original state, and sends the content from the tuner to the decoder. Hence, when it is determined the commercial is over, the receiver switches to the TV program. – p. 27, lines 1-10, lines 15-25; fig. 12 and 15),

However, Akiyama fails to teach:

content comprising executable instruction sets and animated video content.
and if the replacement advertising segment has not ended, to store the resumed television broadcast program on the first memory storage from a beginning point, and to display the resumed broadcast program from the beginning point.

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Reynolds additionally teaches data comprising an executable instruction set for rendering animated video is processed by a local processor (210, 212, 214 – Fig. 2) [col. 11, line 57 – col. 12, line 2, col. 4, lines 23-26, col. 12, lines 8-11, also see col. 5, Example Two, - “**Executable code** that instructs consumer device to show an **animated view** of the current hole in play on 102.2A”]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama's invention to include animated video content and data comprising an executable instruction set for rendering an animated video, as

taught by Reynolds, for the advantage of providing content on the television which allows the user to interact with.

However, Akiyama and Reynolds fail to teach:

if the replacement advertising segment has not ended, to store the resumed television broadcast program on the first memory storage from a beginning point, and to display the resumed broadcast program from the beginning point.

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In analogous art, Blackketter teaches an interactive session during an advertisement (col. 8-9, ll. 67-6), determining whether the interactive session is still in progress when the television program resumes (col. 9, ll. 15-18), and if the session is

still active, then recording the program so that when the session is completed the receiver will continue playback (col. 9, ll. 25-30). As such, Blackketter teaches determining whether the television broadcast program has resumed after the end of the television broadcast advertisement, determining whether the replacement advertising segment has ended, and if the segment has not ended, then storing the resumed television broadcast program on a storage device from a beginning point, and displaying the resumed broadcast program from the beginning point.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama and Reynolds' invention to include the above mentioned limitation, as taught by Blackketter, for the well known advantage that the user does not miss out on any programming.

However, Akiyama, Reynolds and Blackketter fail to teach:

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

displaying an on-screen query of optional modifications to the first replacement advertising segment;

receiving a viewer selection of at least one modification to the first replacement advertising segment;

rendering the at least one modification to the first replacement advertising segment; and

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Haas teaches:

displaying an on-screen query of optional modifications to the first replacement advertising segment; receiving a viewer selection of at least one modification to the first replacement advertising segment; rendering the at least one modification to the first replacement advertising segment (a menu is displayed for a user to modify the animated object displayed such that a user could interact with the object displayed on-screen of a television – paragraph [0112]);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds and Blacketter's invention to include the above mentioned limitation, as taught by Haas, for the advantage of allowing the user to interact with the object displayed on-screen of a television.

However, Akiyama, Reynolds, Blacketter, and Haas fail to teach:

developing the viewer profile based on viewer interaction with the an advertising segment, where developing the viewer profile includes:

retaining the viewer selection of the at least one modification to the first replacement advertising segment as part of the viewer profile; and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment.

In an analogous art, Zigmond teaches:

developing the viewer profile based on viewer interaction with the an advertising segment (col. 9, lines 20-33), where developing the viewer profile includes:

retaining the viewer selection of the at least one interaction with the first replacement advertising segment as part of the viewer profile (col. 9, lines 20-33); and

automatically applying the previously retained viewer selection of the at least one modification to a second replacement advertising segment that is received after the first replacement advertising segment (col. 9, lines 33-55, col. 11, lines 30-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blacketter, and Haas' invention to include the above mentioned limitation, as taught by Zigmond, for the advantage of effectively providing desired advertisements to the user.

Considering claim 40, Akiyama, Reynolds, Blacketter, Haas, and Zigmond disclose the claimed limitations. In particular, Akiyama discloses the system comprising a fourth memory storage (11) for storing television broadcast programs in digitized format for later recall and display – p. 17, lines 1-7.

Considering claim 42, Akiyama, Reynolds, Blacketter, Haas, and Zigmond disclose the claimed limitations. In particular, Akiyama discloses the system wherein the manual input device is a remote control – p. 17, lines 5-7.

As for claims 45 and 48, Haas teaches wherein viewer interaction comprises applying a modification selected by the viewer to the first replacement advertising segment – [0103] – [0112].

As for claims 46, 49, and 52, Haas teaches where viewer interaction occurs during the display of the animated video first replacement advertising segment – [0103].

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, Reynolds, Blacketter, Haas and Zigmond as applied to claim 37 above, and further in view of Pendakur (US 2003/0016673).

Considering claim 38, Akiyama, Reynolds, Blacketter, Haas and Zigmond fail to disclose the system comprising a personal computer in communication with the multimedia controller.

In an analogous art, Pendakur discloses a personal computer coupled with a receiver (multimedia controller) to assist in receiving content and providing feedback – paragraph [0030].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blacketter, Haas and Zigmond's system to include a personal computer in communication with the multimedia controller,

as taught by Pendakur, for the advantage of allowing the system to receive content and provide feedback.

5. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama, Reynolds, Blacketter, Haas and Zigmond as applied to claim 42 above, and further in view of Huang (6,437,836).

Considering claim 43, Akiyama, Reynolds, Blacketter, Haas and Zigmond fail to disclose the system wherein the remote control comprises a personal digital assistant having an infrared transceiver for communication with the multimedia controller, said personal digital assistant having a configurable display on a touch sensitive screen, said configurable display being configured to correspond to the active selections available to a user for a given images on the video display monitor.

In an analogous art, Huang discloses a system wherein the remote control (Fig. 1A) comprises a personal digital assistant (Palm Pilot – Fig. 1, Palm Pilot 204 – Fig. 2) having an infrared transceiver (117 – IR Transmitter, col. 6, lines 10-15) for communication with the multimedia controller (microcontroller 202 – Fig. 2), said personal digital assistant having a configurable display on a touch sensitive screen (touch screen 218 – Fig. 2) said configurable display being configured to correspond to the active selections available to a user for a given images on the video display monitor (col. 5, lines 1-10, col. 6, lines 44-47, col. 7, lines 52- 57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Akiyama, Reynolds, Blackketter, Haas and Zigmond's system to include a remote control comprising a personal digital assistant having an infrared transceiver for communication with the multimedia controller, said personal digital assistant having a configurable display on a touch sensitive screen, said configurable display being configured to correspond to the active selections available to a user for a given images on the video display monitor, as taught by Huang, for the advantage of avoiding the constraints associated with determining which particular buttons should be included in the design of a remote control, and which buttons should be left out.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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